

**BEFORE THE MINNESOTA
BOARD OF DENTISTRY**

In the Matter of
Annette Marie Young, R.D.A.
Registration No. A4828

**STIPULATION AND
ORDER ACCEPTING VOLUNTARY
SURRENDER OF REGISTRATION**

The Minnesota Board of Dentistry ("Board") is authorized pursuant to Minnesota Statutes chapter 150A, section 214.10, and section 214.103 to register and regulate dental assistants, to refer complaints against registered dental assistants to the Attorney General for investigation, and to take disciplinary action when appropriate.

Background

Annette Young, R.D.A. ("Registrant") has been registered as a dental assistant in Minnesota since November 10, 1988.

On August 8, 2001, the Complaint Review Committee (Committee) of the Board informally referred Registrant to the Health Professionals Services Program (HPSP) based on a complaint that Registrant had worked as registered dental assistant while under the influence of mood altering chemicals. She had recently been involved with a treatment program for her chemical use.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between Registrant and the Committee as follows:

A. **Jurisdiction.** Registrant is a Registered Dental Assistant in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this


stipulation. Registrant states that she is not registered as a dental assistant in any other jurisdiction and does not hold any other professional or occupational licenses.

B. Facts. This stipulation is based upon the following facts:

1 On August 8, 2001, the Committee informally referred Registrant to HPSP due to her chemical use.

2. Registrant failed to enter into a Participation Agreement with HPSP and was discharged from the program on November 1, 2001.

3. Registrant has indicated she would like to surrender her registration to the Board.

 C. Violations. Registrant admits that the facts and conduct specified above constitute violations of Minnesota Statutes sections 150A.08, subd. 5, and are sufficient grounds for the disciplinary action specified below.

D. Disciplinary Action. Registrant and the Committee recommend that the Board issue an order accepting the voluntary SURRENDER of Registrant's registration to practice as a registered dental assistant in the State of Minnesota in accordance with the following terms:

1 Surrender. Effective the date of the order, Registrant's registration to practice as a registered dental assistant in the State of Minnesota is terminated. Within ten days of the date the order is adopted by the Board, Registrant shall surrender to the Board her original registration and current renewal certificate by delivering them personally or by first class mail to Marshall Stragg, Executive Director, Minnesota Board of Dentistry, 2829 University Avenue Southeast, Suite 450, Minneapolis, Minnesota 55414.

2. Prohibitions. Licensee shall not engage in any act which constitutes the practice of registered dental assisting as defined in Minnesota Statutes section 150A.05 and shall

not imply to former patients or other persons by words or conduct that she is licensed to practice as a registered dental assistant.

E. Application for Re-registration. Registrant may apply to the Board for re-registration at any regularly scheduled Board meeting no earlier than one year from the effective date of the Board's order. Registrant must comply fully with the applicable statutes and rules in effect at the time of her application, including the payment of all fees relating to re-registration. Minnesota Rule 3100.1850 does not apply to an application for re-registration following the issuance of a stipulation and order for voluntary surrender of registration. Along with Registrant's application for re-registration, she must submit proof that, after the effective date of the Board's order, she has completed the following:

- One year of uninterrupted sobriety.
2. An approved relapse treatment program.
3. Compliance with all aftercare recommendations and or requirements such as attendance at meetings of support groups such as Alcoholics Anonymous.
4. Paid applicable licensure and late fees.
5. Completed the CDE requirements for her CDE cycle.

In addition, if Registrant is out of practice for more than two (2) years after the effective date of this stipulation and order, she shall successfully complete the registration examination specified in Minn. R. 3100.1300, item C. Registrant's compliance with the above-referenced requirements shall not create a presumption that she should be granted registration to practice as a registered dental assistant in the State of Minnesota. Upon Registrant's application for re-registration, the burden of proof shall be upon her to demonstrate to the Board by clear and convincing evidence that she is capable of conducting herself in a qualified and competent

manner, is able to perform the duties of a registered dental assistant with reasonable skill and safety, and has complied fully with the terms of the Board's order.

F. Meeting with a Complaint Committee. Registrant shall meet with a Complaint Committee of the Board at least 30 days prior to the Board meeting to consider her application for re-registration. The Complaint Committee shall review with Registrant her application and supporting evidence. After meeting with Registrant, the Complaint Committee shall forward a report containing its recommendations to the Board.

G. Board Action. At any regularly scheduled Board meeting following Registrant's application for re-registration and meeting with a Complaint Committee, the Board may take any of the following actions:

1. Reissue a registration to Registrant;
2. Reissue a registration to Registrant with limitations and/or conditions placed upon the scope of Registrant's practice; or
3. Deny the application for re-registration upon Registrant's failure to meet the burden of proof.

H. Judicial Relief. If Registrant violates paragraph D above, a district court of this state may, upon application of the Committee, enter an order enjoining Registrant from such practice and grant the Board costs, reasonable attorney fees, and other appropriate relief.

I. Representation by Counsel. Although Registrant has been informed of her right to be represented by legal counsel, she has knowingly and voluntarily waived that opportunity at this time.

J. Waiver of Registrant's Rights. For the purpose of this stipulation, Registrant waives all procedures and proceedings before the Board to which she may be entitled under the

Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the facts contained in this stipulation and order and to dispute the appropriateness of discipline in a contested proceeding pursuant to Minnesota Statutes chapter 14. Registrant agrees that upon the application of the Committee without notice to or an appearance by Registrant, the Board may issue an order imposing the discipline specified herein.

Committee may participate in Board deliberations and voting concerning the stipulation. Registrant waives the right to any judicial review of the order by appeal, writ of certiorari, or otherwise.

K. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this stipulation or a lesser remedy than specified herein, this stipulation and order shall be null and void and shall not be used for any purpose by either party hereto. If this stipulation is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes chapter 14 and section 150A.08, Registrant agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation and the record.

L. Record. This stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the order is based. investigative reports, other documents, or summaries thereof may be filed with the Board with this stipulation. Any reports or other material related to this matter which are received after the date the Board approves the stipulation and order shall become a part of the record and may be considered by the Board in future aspects of this proceeding.

M. Data Classification. Under the Minnesota Data Practices Act, this stipulation and order is classified as public data. Minn. Stat. § 13.41, subd. 4. All documents in the record shall

maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. Pursuant to federal rule (45 C.F.R. part 60), the Board must report the disciplinary action contained in this stipulation and order to the National Practitioner Data Bank.

N Entire Agreement. Registrant has read, understood, and agreed to this stipulation and is freely and voluntarily signing it. This stipulation contains the entire agreement between the parties hereto. Registrant is not relying on any other agreement or representations of any kind, verbal or otherwise.

O. Service. If approved by the Board, a copy of this stipulation and order shall be served personally or by first class mail on Registrant. The order shall be effective and deemed issued when it is signed by the President or Vice-President of the Board.

LICENSEE

COMPLAINT COMMITTEE

Annette Marie Young
ANNETTE MARIE YOUNG, R.D.A.

By:

Freeman Rosenblum, D.D.S.
FREEMAN ROSENBLUM, D.D.S.
President

Dated: 6/11/02

Dated: 6.21.02

ORDER

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings herein, the Board approves and adopts the terms of the stipulation, orders the recommended disciplinary action set forth in the stipulation, and accepts the voluntary SURRENDER of Registrant's registration to practice as a registered dental assistant in the State of Minnesota effective this 21 day of June, 2002.

MINNESOTA BOARD
OF DENTISTRY

By:


ANNIE STONE THELEN, D.D.S.
Vice President